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REMARKS**I. Restriction requirement**

A restriction requirement under 35 U.S.C. §121 was issued in the subject application. The alleged groups of inventions are as follows:

Group I, claims 25-61, drawn to a treatment device for an abnormal physiological formation, classified in class 606, subclass 153.00; and
Group II, claim 62, drawn to a method of making a treatment device for an abnormal physiological formation, classified in class 264, subclass 425.

If Applicants elect to prosecute the claims of Group I, the Examiner also requires election of one of seven separate Species as outlined on page 3 of the Office Action. For Species 1-3, the Examiner requires further election of a bowl configuration. For Species 7, the Examiner also requires further election of a cross-sectional configuration.

For examination purposes, Applicants elect the invention of Group I and Species 2 with traverse. Applicants also elect the bowl configuration as provided by Fig. 12.

In the event the restriction is made final, Applicants reserve the right to file one or more divisional applications directed to the invention of the non-elected subject matter.

III. Traversal of restriction requirement

The Examiner's rationale for the restriction requirement is given on page 2 of the Office Action. In brief, the Examiner alleges that the inventions of Groups I and II are related as product and process for its manufacture. The Examiner further alleges that the process can be used to manufacture other products such as seat cushions, and therefore the restriction is proper. Applicants disagree and believe that restriction is improper and should be withdrawn. Applicants also do not acquiesce that the subject matter of the invention is or can be divided into the various restriction groups provided in the Office Action.

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Group I is directed to a treatment device for an abnormal physiological formation, while Group II is directed to a method for manufacturing the inventive treatment device.

Applicants submit that it would not be burdensome to examine all the pending claims of both Groups I and II in the same application. The pending claims in the present application are all related to the same inventive concept, that is, treatment of vascular and physiological deformations, and the two Groups are aspects of the same new subject matter.

Furthermore, the preambles of the claims of Groups I and II all recite substantially the same intention, that is, a treatment device for a physiological deformation. Applicants submit examination of the subject matter of Group I would necessarily comprise examination of the subject matter of Group II. Accordingly, that there should be no undue burden on the Examiner to examine all pending claims at the same time in the same application.

Therefore, fundamental fairness and efficient prosecution warrants the withdrawal of the restriction requirement as to the claims of Groups I and II, and examination of pending claims 25-62 in the instant application. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

III. Conclusion

Applicants submit that they have completely responded to the restriction requirement. The Examiner is requested to withdraw the restriction with respect to Groups I and II, and to examine all the claims in the present application.

The Assistant Commissioner is authorized to charge any fee which may be due in connection with this communication to Deposit Account 23-1703.

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Respectfully submitted,

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